

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of	)	
	)	
Revision of the Commission's Rules	)	CC Docket No. 94-102
To Ensure Compatibility with	)	
Enhanced E911 Emergency Calling Systems	)	
	)	
Phase II Compliance Deadlines for Non-	)	
Nationwide CMRS Carriers	)	

To: Wireless Telecommunications Bureau, Policy Division

**NE COLORADO CELLULAR, INC.**  
**SUPPLEMENT TO PETITION FOR EXTENSION OF THE**  
**IMPLEMENTATION SCHEDULE FOR PHASE II OF ENHANCED 911 SERVICES**

NE Colorado Cellular, Inc. ("Petitioner"), by its attorneys, hereby supplements its request for a temporary waiver of Section 20.18(f) of the Commission's rules and an extension of the September 1, 2003 and subsequent deadlines to implement Phase II of Enhanced 911 ("E911") services, in which Petitioner sought a temporary waiver of the requirement that Commercial Mobile Radio Service ("CMRS") carriers who have selected a network-based Phase II E911 solution, and who have requested an extension of time under the provisions of the Commission's Order in *Revision of Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket 94-102, Order To Stay, 17 FCC Rcd 14841 (rel. July 26, 2002), following a phased in implementation schedule beginning September 1, 2003 or within six months of receiving a valid Public Safety Answering Point ("PSAP") request for Phase II implementation, whichever is later. This Supplement is filed in compliance with the Commission's *Order To Stay*, CC Docket 94-102, FCC 03-241 (rel. October 10, 2003).

Petitioner is a Tier III, rural carrier licensed to operate cellular and Broadband PCS systems in rural portions of Nebraska and Colorado. In Colorado, Petitioner currently operates

on AMPS network. For the Nebraska PCS licenses, the Petitioner currently operate on a CDMA network within their licensed service area. They have previously indicated that they would utilize a handset-based E911 solution on the spectrum of which they currently provide commercial service. However, the Carriers plan to remove the CDMA system by the end of 2003 and install a GSM network.

Petitioner plans on deploying E911 Phase II service consistent with Section 20.18(f) of the Commission's rules that will provide all subscribers and roamers with automatic location identification technology. Petitioner has presented to the Commission a request for temporary relief that is specific, focused, and limited in scope. Petitioner has encountered a lack of availability of a Phase II E911 solution with respect to both handset-based or network based solutions, which is detailed in the record of Petitioner's filings. Nevertheless Petitioner is undertaking concrete steps toward full compliance with E911 implementation requirements.

#### **Petitioner's Phase II Options**

Motorola has never implemented a true J-36/E-5 standard for the Phase II signaling on the Motorola switch. As such, the only Phase II solution that Motorola offered was a Trueposition wideband solution. In recent discussions with Trueposition, Petitioner has received confirmation that the wideband solution is no longer being offered. Thus, at the current time, there is no network-based solution available on a Motorola 2500 analog switch, such as Petitioners. In addition, as the Commission is well aware, there is no GPS handset analog solution available; therefore, Petitioner is unable to implement a Phase II solution for its AMPS network. Trueposition has also informed Petitioner that Motorola is considering the development of a true J-36/E-5 standard. Should they proceed, product availability is not

expected until early 2005. If product development proceeds, then Motorola will have a Phase II network-based solution that Petitioner can deploy.

Nokia is currently not offering a Phase II network-based GSM solution. In an effort to still be able to respond to Phase II requests, Nokia has contracted for an alternative solution while they finalize their internal switch solution. The alternative solution is to implement an ABIS box at each switch location to handle narrowband network Phase II calls. Each of the ABIS solutions requires a \$100,000 investment. Nokia expects to have general availability of their switch based solution during the 3<sup>rd</sup> or 4<sup>th</sup> quarter of 2004. Petitioner believes it would be unduly burdensome to them to expend monies by implementing a technologically inferior ABIS system prior to general availability of a Nokia switch solution, especially in light of the fact that Petitioner is aggressively building out its GSM network. Petitioner notes that the Nokia/Trueposition ABIS solution has the potential to work with the Motorola product development. If Motorola were to implement a J-36/E-5 solution, then the add-on cost to provide an AMPS solution would be approximately \$2000 per site. As you are aware, there is no GSM GPS handset solution currently available in the industry. Thus, at this time, Petitioner is able to proceed with only a network-based solution.

#### **PSAP Requests**

Since the filing of Petitioner's request for relief, Petitioner has received a PSAP request from Morgan County, Colorado. Petitioner intends on working with the Morgan County PSAP in order to come into agreement as to a Phase II deployment schedule and if so, Petitioner will amend its Waiver request appropriately. In Colorado, Petitioner anticipates further Phase II E911 requests from Logan, Yuma, and Washington counties.

In Nebraska, the Phase II E911 requests will be handled from the E911 central coordination center. Petitioner anticipates that it will not receive a Phase II request until May 2004, which will be for 10 of 22 counties. Hence, Petitioner expects that it will be obligated to provide a Phase II E911 in November, 2004, which corresponds to Nokia's date for deployment of a Phase II E911 switch solution.

#### **Path to Compliance**

Petitioner is in the process of installing a GSM network. Upon roll-out of its GSM system in Colorado, Petitioner will commence migration of its analog customers to its GSM system. Since there are no Phase II AMPS solution available to Petitioner at this time, Petitioner seeks relief from applying the Phase II E911 rules to its AMPS network. At this time, Petitioner is unable to provide a reasonable time frame as to when it anticipates complete migration of its AMPS customers to its GSM network. However, Petitioner anticipates implementing a GSM solution in Colorado by the 2<sup>nd</sup> quarter of 2005, which by that time, it expects to install a switched base solution. Hence, Petitioner seeks a waiver and extension of the Phase II E911 rules for its Colorado service area until the 2<sup>nd</sup> quarter of 2005. In addition, for both its Colorado and Nebraska service areas, as Petitioner builds out its GSM network by installing towers/sites (Petitioner anticipates approximately 300 additional sites), it requests a waiver of the accuracy requirements through 2007 to allow them to provide location data within 500 meters for 50 percent of the calls. It is Petitioner's belief that the public interest would be best served by first ensuring that a GSM wireless subscriber has the ability to make a 911 call anywhere in Petitioner's service area. Once this is accomplished, then Petitioner can improve upon the phase and accuracy standards.

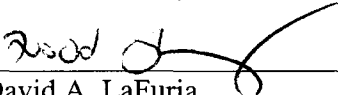
**Conclusion**

In accordance with the Commission's rules and policies Petitioner has presented a well founded request for waiver for good cause shown.<sup>1</sup> Petitioner has demonstrated that "special circumstances warrant deviation from the general rule, and such deviation will serve the public interest."<sup>2</sup> Petitioner herein reaffirms that it has established a "clear path to compliance"<sup>3</sup> despite the unavailability at this time of a viable Phase II solution.

Accordingly, Petitioner maintains its request for a temporary waiver of Section 20.18(f) of the Commission's rules, and for an extension as proposed herein, with a commitment that Phase II services will be implemented as soon as possible for the benefit of customers and roamers in Petitioner's service area.

Respectfully submitted,

**NE Colorado Cellular, Inc.**

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November 10, 2003

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<sup>1</sup> 47 C.F.R. § 1.3.

<sup>2</sup> Fourth MO&O at 17457; Northeast Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990) citing WAIT Radio V. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

<sup>3</sup> E911 Fourth Memorandum Opinion and Order, 15 FCC Rcd 17457, para. 44.

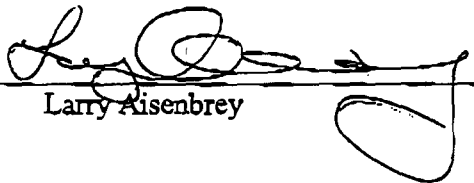
### DECLARATION

I, Larry Aisenbrey, hereby state and declare:

1. I am General Manager of NE Colorado Cellular, Inc.
2. I am familiar with the facts contained in the foregoing petition supplement, and I verify that those facts are true and correct to the best of my knowledge and belief, except that I do not and need not attest to those facts that are subject to official notice by the Commission.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 10th day of November, 2003.

  
Larry Aisenbrey